

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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: Case No. 07-md-1902 (GEL)  
In re REFCO, INC. SECURITIES LITIGATION :  
: :  
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This Document Relates To:

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KENNETH M. KRYS and CHRISTOPHER :  
STRIDE, as JOINT OFFICIAL LIQUIDATORS :  
of SPHINX LTD., SPHINX STRATEGY FUND : Case No. 08-cv-3065 (GEL)  
LTD.; :  
SPHINX PLUS SPC LTD., SPHINX : Case No. 08-cv-3086 (GEL)  
DISTRESSED LTD., SPHINX MERGER :  
ARBITRAGE LTD.; SPHINX SPECIAL :  
SITUATIONS LTD., SPHINX MACRO LTD.; :  
SPHINX LONG/SHORT EQUITY LTD.; :  
SPHINX MANAGED FUTURES LTD.; SPHINX :  
EQUITY MARKET NEUTRAL LTD.; SPHINX :  
CONVERTIBLE ARBITRAGE LTD.; SPHINX : AFFIDAVIT OF  
FIXED INCOME ARBITRAGE LTD.; SPHINX : ATTEMPTED OF SERVICE  
DISTRESSED FUND SPC; SPHINX MERGER :  
ARBITRAGE FUND SPC; SPHINX SPECIAL :  
SITUATIONS FUND SPC; SPHINX MACRO :  
FUND SPC; SPHINX LONG/SHORT EQUITY :  
FUND SPC; SPHINX MANAGED FUTURES :  
FUND SPC; SPHINX EQUITY MARKET :  
NEUTRAL FUND SPC; SPHINX :  
CONVERTIBLE ARBITRAGE FUND SPC; :  
SPHINX FIXED INCOME ARBITRAGE FUND :  
SPC; PLUSFUNDS MANAGED ACCESS FUND :  
SPC LTD.; KENNETH M. KRYS and :  
CHRISTOPHER STRIDE as assignees of claims :  
assigned by MIAMI CHILDREN'S HOSPITAL :  
FOUNDATION, OFI, GREEN & SMITH :  
INVESTMENT MANAGEMENT LLC, THALES :  
FUND MANAGEMENT LLC, KELLNER :  
DILEO & CO., LLC, MARTINGALE ASSET :  
MANAGEMENT LP, LONGACRE FUND :  
MANAGEMENT LLC, ARNHOLD & S. :  
BLEICHROEDER ADVISERS LLC, PICTET & :  
CIE, RGA AMERICA REINSURANCE :  
COMPANY, DEUTSCHE BANK (SUISSE) SA, :  
ARAB MONETARY FUND, HANSARD :  
INTERNATIONAL LTD., CONCORDIA :

ADVISORS LLC, GABELLI SECURITIES, INC.,  
CITCO GLOBAL CUSTODY; and JAMES  
P. SINCLAIR as Trustee of the SPHINX TRUST,

Plaintiffs,

-against-

CHRISTOPHER SUGRUE; MARK  
KAVANAGH; BRIAN OWENS;  
PRICEWATERHOUSECOOPERS L.L.P.; MARI  
FERRIS; PRICEWATERHOUSECOOPERS  
CAYMAN ISLANDS; GIBSON, DUNN &  
CRUTCHER LLP; REFCO ALTERNATIVE  
INVESTMENTS LLC; GRANT THORNTON  
LLP; MARK RAMLER; ERNST & YOUNG U.S.  
LLP; MAYER BROWN LLP f/k/a MAYER  
BROWN ROWE & MAW LLP; JOSEPH  
COLLINS; EDWARD S. BEST; PAUL KOURY;  
PHILLIP R. BENNETT; ROBERT C. TROSTEN;  
TONE GRANT; SANTO MAGGIO; THOMAS  
HACKL; DENNIS KLEJNA; BAWAG P.S.K.  
BANK FUR ARBEIT UND WIRTSCHAFT UND  
OSTERREICHISCHE POSTPARKASSE  
AKTIENGESELLSCHAFT; JP MORGAN  
CHASE & CO.;  
CREDIT SUISSE SECURITIES  
(USA) LLC f/k/a CREDIT SUISSE FIRST  
BOSTON LLC; BANC OF AMERICA  
SECURITIES LLC; THOMAS H. LEE  
PARTNERS, L.P.; THOMAS H. LEE  
ADVISORS, LLC; THL MANAGERS V, LLC;  
THL EQUITY ADVISORS V, L.P.; THOMAS H.  
LEE EQUITY FUND V, L.P.; THOMAS H. LEE  
PARALLEL FUND V, L.P.; THOMAS H. LEE  
EQUITY (CAYMAN) FUND V, L.P.; THOMAS  
H. LEE INVESTORS LIMITED PARTNERSHIP;  
1997 THOMAS H. LEE NOMINEE TRUST;  
THOMAS H. LEE; DAVID V. HARKINS;  
SCOTT L. JAECKEL; SCOTT A. SCHOEN;  
WILLIAM T. PIGOTT; LIBERTY CORNER  
CAPITAL STRATEGIES, LLC; EMF  
FINANCIAL PRODUCTS LLC; EMF CORE  
FUND LTD.; DELTA FLYER FUND LLC; ERIC  
M. FLANAGAN; INGRAM MICRO, INC.; CIM  
VENTURES, INC.; BECKENHAM TRADING  
CO., INC.; ANDREW KRIEGER; COAST  
ASSET MANAGEMENT, LLC, f/k/a COAST  
ASSET MANAGEMENT LP; CS LAND

MANAGEMENT LLC; CHRISTOPHER :  
PETTIT; and REFCO GROUP HOLDINGS, :  
INC.; and REFCO ASSOCIATES, INC., :

Defendants :

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STATE OF NEW YORK )

S.S.:

COUNTY OF NEW YORK)

DARRYL A. GREEN, being duly sworn, deposes and says that he is over the age of eighteen years, is employed by the attorney service, DLS, INC., and is not a party to this action.

That on the 10<sup>th</sup> day of April 2008, at approximately 8:50 p.m., deponent attempted to serve a true copy of the A Federal Summons issued in Civil Actions 08-cv-3065 and 08-cv-3086, A Notice of Removal Filed by Defendant BAWAG, 08-cv-3065, A Notice of Removal Filed by various Defendants, 08-cv-3086, The Summons and Complaint for the Action Commenced in New York Supreme Court, Plaintiff's Statement Pursuant to Bankruptcy Rule 9027, 07-md-1902 and 08-cv-3065, Plaintiffs' Statement Pursuant to Bankruptcy Rule 9027, 07-md-1902 and 08-cv-3086, A Notice of Appearance for David Molton, 07-md-1902 and 08-cv-3065, A Notice of Appearance for Andrew Dash, 07-md-1902 and 08-cv-3065, A Notice of Appearance for David Molton, 07-md-1902 and 08-cv-3086, A Notice of Appearance for Andrew Dash, 07-md-1902-and 08-cv-3086a and Plaintiffs' Demand for Jury Trial, 08-cv-3065, 08-cv-3086 upon Phillip R. Bennett at 1001 Park Avenue, New York, NY 10028. No answer was received when the doorman called the apartment and he confirmed the address.

That on the 12<sup>th</sup> day of April 2008, at approximately 9:11 a.m., deponent again attempted to serve a true copy of the A Federal Summons issued in Civil Actions 08-cv-3065 and 08-cv-3086, A Notice of Removal Filed by Defendant BAWAG, 08-cv-3065, A Notice of Removal Filed by various Defendants, 08-cv-3086, The Summons and Complaint for the Action Commenced in New York Supreme Court, Plaintiff's Statement Pursuant to Bankruptcy Rule 9027, 07-md-1902 and 08-cv-3065, Plaintiffs' Statement Pursuant to Bankruptcy Rule 9027, 07-md-1902 and 08-cv-3086, A Notice of Appearance for David Molton, 07-md-1902 and 08-cv-3065, A Notice of Appearance for Andrew Dash, 07-md-1902 and 08-cv-3065, A Notice of Appearance for David

Molton, 07-md-1902 and 08-cv-3086, A Notice of Appearance for Andrew Dash, 07-md-1902-and 08-cv-3086a and Plaintiffs' Demand for Jury Trial, 08-cv-3065, 08-cv-3086 upon Phillip R. Bennett at 1001 Park Avenue, New York, NY 10028, again no answer was received when the doorman called the apartment.

  
DARRYL A. GREEN #0866535

Sworn to before me this  
17<sup>th</sup> day of April 2008

  
NOTARY PUBLIC

JONATHAN T. RIPPS  
Notary Public, State of New York  
NO. 0760109718  
Qualified in Rockland County  
Date Filed in New York County  
Commission Expires May 17, 20 08